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THE

MEMORIAL AND PETITION

OF

ORAZIO DE ATTELLIS SANTANGELO,

TO THE

CONGRESS OF THE UNITED STATES OF AMERICA.

Without respect for law, no justice—without justice, no government—without government no nation—without nation, the civil and political existence of the State is but a chimera.—SENECA.

JANUARY, 1846.

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TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED.

The Memorial and Petition of the undersigned respectfully showeth, that:

Orazio de Attellis Santangelo, a citizen of the United States, resident in the country for twenty-two years, and one of the Claimants on Mexico, is compelled to recur, for the first time, to your sovereign authority to have justice done, with regard to certain instalments of the Mexican indemnity, the payment of which, ordered by an act of Congress of the 3d March, 1844, has been unjustly refused by our national treasury. This affair has been submitted to your wisdom by His Excellency the president of the United States, in his message of the 2d December ultimo; but, as it is therein mentioned rather too laconically, and there being, on the other hand, many new members in the present Congress of the United States, who are quite unacquainted with the preceding facts, on which their judgment should properly be grounded, your Memorialist and Petitioner begs leave to lay the whole history of the true facts, together with his humble prayers, before you for your kind and provident consideration.

Pursuant to the Convention of the 11th of April, 1839, between the governments of the United States and the Mexican Republic, certain American Claims were definitively adjusted and awarded to the amount of $2,026,139 68—and others, amounting to nearly four millions of dollars, *amongst which is a very important one of your Petitioner*, remained for various causes unacted upon.

A second Convention was then concluded on the 30th of January, 1843, between the two powers, in which it was agreed that the unadjusted claims should form the subject of a new Convention, and that the awarded ones should be paid by Mexico in twenty quarterly instalments, in gold or silver, in the city of Mexico, to an agent of the United States duly appointed*. The new Convention was, in fact, signed on the 20th of November of the same year, 1843, in Mexico; but the Senate of the United States having proposed some amendments to it, it was sent back to Mexico, where it still lies in oblivion. Mexico, however, commenced the payment of the stipulated quarterly instalments of the awarded indemnity, and the Claimants punctually received those which fell due on the 30th of July, 30th of October, 1843, and 30th of January, 1844.

* See doc. 1.

But Mexico suspended the payment of the 4th instalment, which became due on the 30th of April, 1844, probably on account of having some intimation of the treaty which was concluded, under the administration of president Tyler, for the annexation of Texas, on the 12th of the same month; and on being successively informed that said treaty had been rejected by the Senate of the United States, on the 8th of June, she honorably resumed the suspended payments.

Accordingly, at the expiration of the 5th instalment, due on the 30th of July following, president Santa Anna ordered the payment of both the 4th and 5th instalments in cash, amounting to $275,000. The money was raised on the 17th of August, a fact which senator Benton stated to the late Congress; and on the 27th of the same month, the money, in *cash*, was paid over by the Mexican Treasurer, Senor Trigueros, to our agent there, Mr. Voss, who gave the corresponding receipt for it.

The notice of this payment, made on the 27th of August, was officially communicated by the Mexican Secretary of State, Senor Rejon, under date of the 2d September following, to the minister of the United States, Mr. Shannon,* who had arrived there on the 26th of August.

On the 12th of the same month of September, Mr. Shannon had an interview with president Santa Anna, by whom he was apprised that said payment of the 4th and 5th instalments had been made, though with some *difficulty* (that is, *difficulty* in raising *cash*), and received the assurance that proper measures had been taken to secure the payment of the future instalments as soon as they became due.†

Under date of the 21st of said month of September, Mr. Shannon, "feeling his mind at rest," sent an official despatch to the Secretary of State, Mr. Calhoun, stating that "the payment of the instalments of April and July, 1844, *had been made*, according to the Convention (that is, in gold or silver) in Mexico, on the 27th of August last, to the agent appointed to receive and *transmit* the same‡" (and bills payable in Mexico certainly would not be *transmitted*) to the United States.

Conformably with all these official acts and informations, the State Department, satisfied doubtless of their correctness, caused an *official* notice to be published in the Madisonian of the 4th November, 1844, stating, that said instalments, under the Convention (namely, in specie) *had been paid* by the government of Mexico, on the 27th of August.§

But the inexplicable non-arrival of the money to the United States began to vex the claimants. It was then rumored that a Mr. Green, connected with the legation of the United States in Mexico, had informed the Department of State that, notwithstanding the receipt delivered by Mr. Voss to the Mexican treasury

* See doc. 2. † See doc. 5. ‡ See doc. 3. § See doc. 4.

fully discharging it from the debt, *no cash had been paid;* and that only *drafts*, which were afterwards not honored, had been received by Mr. Voss. Hence the origin of the epithet *mysterious* given to the transaction. Hence the refusal of the president of the United States to comply with the act of Congress of the 3d of March, 1845. Yet no further informations were received from Mexico on the subject, nor even demanded by the State Department under the administration of president Tyler.

Finally Congress, at the solicitations of senator Benton, who was well informed of the true state of things, after having, in February, 1845, passed a joint resolution for the annexation of Texas, made, on the 3d of the following month of March, an appropriation of $275,000 (the amount of the two instalments) to be paid to the claimants by the Treasury of the United States, "provided it was ascertained that they were paid in Mexico to our agent in manner as to discharge the Mexican government from all responsibility, and our agent be *delinquent* in transmitting the money to the United States." This act was approved by the executive, and became a law.

On the 5th of the same month, Mr. Polk was inaugurated president; and a little later, Mr. William S. Parrott, who had gone to Mexico on his own business, wrote to our Treasury Department, of which he was a clerk, a letter, dated April 26, 1845, informing it that he had been told by *Voss himself*, that "the Mexican government had his receipt for the two instalments, and was, of course, *not responsible* for them."

The most profound silence continued under the administration of president Polk, both on the part of Messrs. Voss and Shannon in Mexico, and our Department of State in Washington; consequently, no further facts were ascertained, and the act of Congress of the 3d March was not executed.

Meanwhile, the joint resolution of Congress annexing Texas having been adopted, all subsequent payments of the instalments were withheld by Mexico, by way of *reprisal;* so that on the 30th of the present month of January, EIGHT instalments, and *two whole years of back interest*, will be due. Many claimants, who, confiding in the punctual payment of their awards, warranted by two solemn treaties, or "laws of the land," had engaged in different business, have already become bankrupt, and others are on the eve of bankruptcy, misery, and disgrace.

In this state of things, the Mexican Minister at Washington retired home, ours was recalled from Mexico, all diplomatic intercourse between the two cabinets interrupted, and a quasi war declared. Your Memorialist then commenced, on the 25th of May, the publication of some writings, headed "Claimants on Mexico," and signed, "A Claimant," showing cause why the above act should have been carried into effect by the executive, and why the national Treasury ought to pay to the Claimants, not only the two instalments, which had unquestionably been paid *in cash* by Mexico

to our agent, and by the latter used for certain unfortunate speculations in bills of exchange for a larger sum, to realize a profit, but also *all other subsequent instalments*, the payment of which had been suspended by Mexico by way of *reprisal*.

On the 18th of June, Mr. Wilson Shannon arrived at New-York; but seeing that he was in no haste to repair to Washington and give the explanations so anxiously desired, your Memorialist published a *second* writing, enlarging on the proofs of his arguments, in which he promised to draw others from the very report of Mr. Shannon, as soon as it should be made known.

This report appeared in fact in a letter of Mr. Shannon to the Secretary of State, dated 2d July*; and then, in a *third writing* of the 8th of the same month, your Memorialist, turning the minister's own weapons against himself, fully succeeded to draw from his statements the most undeniable proofs of the correctness of the position he, your Memorialist, had already taken.

Finally, though the lawless use made by Mr. Voss of the money of said instalments did by no means regard the Claimants, your Memorialist suggested, in a private letter of the 14th of July, to secretary Buchanan, the infallible means, whereby our Treasury could reimburse itself, with as much despatch as ease, for the amount which it should have paid to the Claimants, pursuant to the aforesaid act of Congress.* Having received no answer, nor even an acknowledgment of the receipt of his respectful epistle, your Memorialist published it in a *fourth* and last writing, dated July 30th, reflecting, with some severity, on the supposed unkindness of the secretary; but, to his confusion, your Memorialist received two days later, that is, on the 1st of the following month of August, a receipt, dated 31st of July†, for which he made an apology on the same day, 1st of August, promising to take the first opportunity to make the fact known to the public,‡ which is now done with pleasure.§

These four writings, against which no censure, to the knowledge of your Memorialist, has ever appeared, and copies of which he of late transmitted to the Committees of Foreign Relations of both Houses of Congress, and to a great number of the members of your august body, did not shake the imperturbable firmness of president Polk, who, through his organ, the "Union," persisted in declaring himself "not satisfied &c." Nor did your Memorialist expect much from them, for he must know, at his age of 72, that truth is proverbially unpopular—*veritas odium parit*—and that, of course, he himself must be unpopular; a misfortune, however, of which he feels proud.

Your Memorialist then had recourse to another expedient, to try to do what two administrations had been unable or unwilling to do for the discovery of truth. He induced one of his friends to address a letter to general Santa Anna, ex-president of Mexico, residing in

* See doc. 5. † See doc. 6. ‡ See doc. 7. § See doc. 8.

Havana, to obtain from him a statement of the true facts, relating to the payment of said two instalments, at a period when he was still at the head of the Mexican government. The letter, dated 21st of August, written by your Memorialist in Spanish, and signed by his friend, was sent; but no answer was received for nearly three months, so that all hopes of receiving one were given up. It came at last on the 10th ultimo, and it unveils all mystery, notwithstanding the cynical pyrronism of certain writers, as it shall be speedily seen.

In the mean time, your Memorialist received from another friend in Washington a letter, dated 17th November, enclosing a copy of the following document, which had just been brought by Mr. Parrott from Mexico to our Secretary of State Buchanan, to wit:

"I have received from the Treasurer General the *sum* (no drafts) of two hundred and seventy-four thousand, six hundred sixty-five dollars, and seventy-six cents, on account of the two instalments due of the claims of the United States—Mexico, 20 September 1844—signed—EMILIO VOSS."

Said letter stated also that Mr. Voss had communicated to our Secretary the fact of "his having received NOT A DOLLAR;" that Mr. Parrott thinks "*the money was paid;*" and that a new minister was about to be sent by our executive to Mexico, to settle amicably our difficulties with that government."

The reply of your Memorialist, dated 21st of the same month of November, both on the astonishing *date* of the receipt of Voss, and on the new mission to Mexico, was too long, though by no means unimportant, to be transcribed here: it will perhaps be made known at some future time, as it contains, among other things, a reasoned prognostic of the failure of that mission. Suffice it now to repeat what your Memorialist observed, in substance, on the subject of that "receipt," namely:

"The date of Mr. Voss's receipt," said your Memorialist, "is a forgery. It only confirms the fact of his having embezzled the money. His assertion of his '*having received not a dollar*,' brings his guilt to the highest evidence. No man *sui compos*, and much less *non sui juris*, would give a receipt for $275,000, discharging the debtor, *without receiving a dollar*. The receipt mentions no drafts, but a '*sum of money*.' This 'sum of money' was received *on the 27th of August*, and he could not have receipted for it *twenty-five days later*, that is, *on the 20th of September*. Does he wish to deny all payment, even in drafts? or to conceal the drafts (for a much larger sum) to hide the fact of his having *bought* them with the cash received? Where are, then, these drafts, in whose possession, drawn by whom, upon whom, when payable, for what amount? Why has Mr. Voss not sent also, with his mysterious receipt *of the 20th of September*, 1844, a copy of those drafts to our Department of State? Why, on the contrary, has he preserved,

from August or September, 1844, to November, 1845, the most cautious silence in the matter ?"

The message of president Polk, sent to Congress on the 2d December last, in treating of our relations with Mexico, has thrown no brighter light on the conduct of Mr. Voss.

After having spoken of the rightful annexation of Texas, the president mentions the forbearance had "for a long series of years," by our government towards Mexico, guilty of injuries to our citizens, and outrages to our flag &c. not intending, however, it is to be presumed, to praise a father who, to be generous towards a foreign robber or murderer, starves his own children to death. Then he states that, besides the indemnity already awarded to claimants on Mexico to the amount of $2,026,139 68, payable, as was subsequently agreed upon, in twenty quarterly instalments, a new convention was concluded, on the 29th of November, 1843, for the liquidation of other claims amounting to "more than three millions of dollars, and is not yet ratified by Mexico;" for which "our citizens, says he, who suffered great losses, and some of whom have been reduced from affluence to bankruptcy, are without remedy, unless their rights be enforced by their government &c." ; but he "*hopes* we might, *if possible*, honorably avoid any hostile collision with her"—which question your Memorialist thinks, is destined to form, God knows when, an item in a final settlement of all the controversies now pending between the two countries. But, in regard to the *awards already made*, as above, the president

1st. declares, that "the *three* first of the twenty instalments have been paid," and that "*seventeen* of these instalments remain unpaid, seven of which are now (on the 30th of October last) due."

2dly. and, as to the two instalments of April and July, 1844, which were undoubtedly *paid* by Mexico, and *embezzled* by the agent of the United States there, Mr. Emilio Voss, the president says:

"Congress appropriated, at the last session, the sum of $275,000 for the payment of the April and July instalments of the Mexican indemnities for the year 1844, *provided* it shall be ascertained to the satisfaction of the American government that said instalments have been paid by the Mexican government to the agent appointed by the United States to receive the same, in such manner as to discharge all claim on the Mexican government, and said agent to be delinquent in remitting the money to the United States.

"The unsettled state of our relations with Mexico has involved the subject *in much mystery*. The *first* information, in an authentic form on the subject, from the agent of the United States, appointed under the administration of my predecessor, was received at the State Department on the 9th of November last. This is contained in a letter, dated the 17th of October, addressed by him to one of our citizens (Mr. Parrott) then in Mexico, with the view

of having it communicated to that department. From this it appears that the agent, on the 20th of September, 1844, gave a receipt to the Treasury of Mexico for the amount of the April and July instalments of the indemnity. In the same communication, however, he asserts that *he had not received a single dollar in cash*, but that he *holds* such securities as *warranted* him *at the time* in giving the receipt, and entertains *no doubt* but that he will *eventually* obtain the money. As these instalments, the president adds, *appear never to have been actually paid by the government of Mexico to the agent*, and as that government *has not therefore been released so as to discharge the claim*, I do not feel myself warranted in directing payment to be made to the Claimants out of the Treasury, without FURTHER LEGISLATION. Their case is, undoubtedly, one of much hardship; and it remains for Congress to decide whether ANY and WHAT relief ought to be granted to them. Our minister to Mexico has been instructed to ascertain the facts of the case from the Mexican government in an *authentic* and *official* form, and report the result with as little delay as possible."

Your Memorialist and Petitioner respectfully, but earnestly, calls the attention of Congress to the following remarks.

President Polk, without making known the whole official letter of the agent Voss to enable all interested persons to consider it, but acknowledging that " the subject is involved in much mystery," so that he himself is not sure of his own judgment, begins by stating that the *first* information from Mr. Voss, in an *authentic* form, was received at the State Department through a private person, on the 9th of November last. Consequently, he implicitly denies any other previous information received by that department. He denies the *official* information given by the Mexican Secretary of State, Mr. Rejon, on the 2d of September, 1844, to our minister at Mexico, Mr. Shannon; the *official* interview of the latter with president Santa Anna on the 12th of the same month; his *official* communication of the 21st of the same month and year to our Secretary of State, Mr. Calhoun; the *official* notice issued by the latter in the Madisonian, of the 4th of November of said year; the *official* statements of senator Benton, in February and March, 1845; the communication of Mr. Parrott, a clerk of the Treasury Department, from Mexico, to Mr. Walker, dated 26th of April, 1845 &c. All these undeniable facts and *official* informations, were not, in the opinion of president Polk, as *authentic* as the bare and absurd assertion of Mr. Voss, the man whose personal interest it was to exculpate himself, and, of course, conceal the truth. Though many of the facts had occurred during the administration of his predecessor, Mr. Polk will not believe, it is to be hoped, that no state department had existed previous to his accession to the presidency; that a new president should not consult the actual state of things in all the executive departments, and that all executive transactions previous to his taking the oath of office, should be considered as null and void.

President Polk, next, quite overlooking the absurdity of a receipt *dated twenty-five days after the payment;* of a receipt given for a sum of nearly $275,000, *without receiving a dollar;* of a receipt given for *cash*, while the payment is asserted to have been made in *paper;* and without any knowledge of the value and real existence of this paper; and endorsing the suggestion expressed by Voss of his "holding such *securities* as warranted him *at the time in giving the receipt*," virtually absolves that faithless agent from his flagrant violations of the instructions received from his constituents, consonant with the stipulations of a public treaty, rather than execute an act of our Congress in favor of the Claimants, based on conditions, the fulfilment of which was already *perfect.* Hence the declaration in his message, that "the instalments never have been paid by Mexico to the agent; that Mexico has not therefore been released so as to discharge the claim;" and that (for these triumphant reasons) "he has not felt himself warranted in directing payment to be made to the Claimants out of the Treasury *without further legislation!*" that "their case is, undoubtedly, one of much hardship;" that "it remains for Congress to decide whether ANY or WHAT relief ought to be granted to them;" and that "our minister to Mexico has been instructed to *ascertain* (after two years!) the facts of the case from the Mexican government in an *authentic* and *official* form (the authenticity and officiality of the preceding facts being null!), and report the result with as little delay as possible."

Happily, on the 10th of December last, a letter, dated Havana, Nov. 19, 1845, was received in New-York, per ship Norma, by a respectable merchant of the city of New-York, from the ex-president of Mexico, gen. Santa Anna, under whose administration all the above transactions had taken place, which unveils all mystery and solves all problems. This letter, which has been published in many journals, and of which no one has doubted the authenticity, is submitted originally in Spanish at the end of this respectful Memorial and Petition*, and says in English as follows:

"Havana, November 19, 1845.—Senor don Carlos Callaghan, New-York—My dear sir: With some delay your favor of the 22d August ultimo came to hand, which I now answer, though, to do so, I have to be somewhat diffuse.

"When in October, 1841, I was nominated president of the republic by the free and spontaneous will of the nation, I found that the Convention, already signed in Washington by the chargés of Mexico and the United States, which adjusted the claims of the latter, and the manner of executing the payment thereof, had already been ratified by my predecessor Gen. Bustamante. To say the truth, I would, on my part, never have sent any commissioner to the United States, for the cabinet of Washington itself should have sent them to Mexico; nor would I have ratified the Convention in the terms in which it was conceived. But, when I

* See doc. 9.

took the reins of government, the treaty was already valid between the two nations, and being more jealous than any other of the honor of my country, and being also intimately persuaded that its basis should consist in the exact and religious observance of treaties, and knowing, on the other hand, the policy and views of the United States, I resolved to fulfil it in all its parts, to take from your government every pretext that might in the least disturb the harmony and good understanding between the two countries, and at the same time to deliver my own country from all ulterior projects, that might affect its integrity.

"To this end I did not hesitate in taking the most efficient measures in order that Mexico should pay the awards designated in the Convention, and that the payment might be effected in the stipulated manner and form; and as the Treasury, at the period when I entered into office, was but a skeleton, I imposed a forced loan on the whole nation; so that each and every one of the citizens should contribute, according to his means, to the payment of a debt, which had already become *sacred* for Mexico. The loan having been effected with the energy which characterized the acts of my administration, I succeeded in saving the national honor, in spite of the outcries and the opposition which was excited, and which attributed to me the name of tyrant from those who care not for honor which they do not know, or who affect not to know that in these cases the citizens are bound patriotically to furnish all their means. That measure of my government was one of those which called down upon me the most censure, and gave me the most griefs; but, comforted by the testimony of my own conscience, and with the approbation of the thinking part of both countries, I trust that the judgment of rigorous and impartial history will sooner or later justify me before posterity, and perhaps also in the eyes of my contemporaries.

"I attained my object; consequently the instalments were most punctually paid in ready cash during the time I was at the head of government. But, as on the 30th of April of last year (1844), I had withdrawn from public business and retired to my farms, and as both the constitution and my character did not allow the president to mingle in public affairs during his absence, I confined myself to recommending the payment to the president *pro tempore*, gen. don Valentin Canalizo, and to the Minister of Finance, don Ignacio Trigueros; and when the other instalment of July 30th, of which you speak, expired, having then resumed my functions, I dictated *all the necessary measures*, and *positively ordered* the Secretary of the Treasury to *make the payment in specie*, according to my anterior provisions; so that, if, *in defiance of my orders*, the payment was made in bills or drafts, that functionary violated his duties by disobeying my commands, and the agent, don Emilio Voss, WAS NOT LESS GUILTY IN RECEIVING, as he received, according to what you say, THE AMOUNT IN PAPER. At that *same period*, I dictated in advance, other orders for the payment of the success-

ive instalments with all exactness, and in *ready cash;* for the people having contributed in cash, *I resolved and ordered* that the money should not be employed for any other purpose; and my conversation with the minister Shannon alludes to this.

"In short, in my opinion, the instalments, to which you refer, *were paid in ready cash;* but if it be not so, the minister and the *agent Voss* are RESPONSIBLE; the former for having disobeyed my positive orders, and THE LATTER FOR NOT HAVING FULFILLED THOSE OF HIS CONSTITUENTS.

"I am, with all consideration, your obed. servt. who kisses your hands—A. L. de SANTA ANNA."

On this most explicit declaration of gen. Santa Anna, one of our greatest *philanthropists* has pronounced the following judgment:

"The mystery remains as profound as ever .... Santa Anna throws not a ray of light upon it. The only question has been, from the first, whether the payment made at the Mexican Treasury was in coin or in paper accepted as coin; and the question the letter of the ex-president leaves just where it was before. That the payment ought to have been in *coin* we all knew long ago; and this is the substance of what Santa Anna tells us."

Your Memorialist would think that to refute so silly an observation, would be to insult the wisdom of Congress; but as it might mislead the weakminded among the people in general, a reply to it seems to be not entirely useless.

From the letter of the ex-Mexican president we have: 1st. his eagerness to take from the United States all pretext to attempt to violate the integrity of his country: 2dly. a forced loan raised by him to pay in *cash*, according to the Convention, *exclusively*, the awarded American claims, and thereby a proof of the actual existence of the *money* in the Mexican Treasury, and of no necessity to pay in *paper:* 3dly. his repeated, positive and final orders to the Mexican treasurer to make the payment of the two instalments due, IN SPECIE.

From the official communication of the Mexican Secretary of State, Rejon, to our minister Shannon, of the 2d September, 1844, we have that said payment of the two instalments was effectively *made* on the 27th of the preceding month of August, to our agent Voss.

From all quarters and all persons, including Shannon and Voss himself, we have that the receipt was given by the latter for MONEY received in READY CASH, to be *transmitted* to the United States, a receipt which fully and legally discharged Mexico from all liability for that debt.

From the report of our own minister Shannon of the 2d July, 1845, to our Secretary of State, Buchanan, we have that he had, on the 12th of September, 1844, an interview with Santa Anna, who told him that the two instalments had been paid with some *difficulty*; and certainly there could have been no difficulty had the payment been made with paper.

From the date of the 27th of August, when the money was paid, to that of the 12th of September, when Shannon spoke to Santa Anna, we have a lapse of *seventeen days*, during which Santa Anna did not leave Mexico; and indeed he was not overthrown until December following. If, then, the Mexican treasurer had offered *paper* and not *cash* for the payment of the instalments, why did not Voss, or Shannon complain to gen. Santa Anna of this violation of the Convention and of his orders?—to Santa Anna, whose orders were *positive*, and who would not have left unpunished the roguery of his minister? Why did not Voss or Shannon write a single word to our government on the subject? Why, on the contrary, was Mr. Shannon so solicitous to inform, under date of the 21st of the same month of September, 1844, the then Secretary of State, Mr. Calhoun, that the instalments had been paid *according to the Convention*, on the 27th of August, to our agent, to receive and *transmit* the same? Were *papers* payable in Mexico to be *transmitted* to the United States? Why from the 21st of September, 1844, the date of said Report, to the 9th of November, 1845, the period when, as president Polk says in his message, our State Department received the *first* information from our agent Voss, has a most profound and mysterious silence been studiously maintained by our representatives in Mexico, and our administration at home? And, finally, if the instalments had been paid by the treasurer in *paper*, why would Santa Anna have said: "Voss was *guilty* in receiving it—Voss is *guilty* not to have fulfilled the orders of his constituents—the agent Voss is *responsible* &c?" Does this not clearly mean that the Mexican Government is *fully discharged* from all obligations in this respect, and that the whole *responsibility* rests on our own agent Voss? Is not, then, the question decidedly solved by the letter of Santa Anna?

It is known, on the other hand, that the Mexican Minister of Finance, Trigueros, was, at the same time, a merchant in partnership with Voss, who was also a British agent and a Mexican broker in connection with the house of Tayleur, Jamison & Co. of Mexico. Senor Trigueros, then, as minister, fulfilled the orders of president Santa Anna by paying in *cash*, and received from Voss a receipt *fully discharging the Mexican government;* and, as a merchant, he employed, either at the *solicitation*, or with the *consent* of Voss, the *cash* to *buy bills to a much larger amount*, which were afterwards not *honored;* and as the bills appeared to be payable on or before the 20th of September, 1844, Voss delivered on the 27th of August his receipt, with the after date of the 20th of September, to conceal his juggling; and all these operations were performed without the knowledge of president Santa Anna.

Now, if the money paid by Mexico is lost in purchases made *by our agent* Voss of worthless bills, has the government of the United States a just and lawful right to expect from her a second time the same amount? Is Mexico obliged to answer for the faithless conduct of her Minister of Finance, *who could have done no wrong* but, as stated above, either at the solicitation, or with the consent

of our agent Voss, who was, and is, the only interested and responsible person in the matter? Seduced or seducer, he is the embezzler of the money, and therefore the Treasury of the United States, of which he is the agent, ought forthwith to pay the instalments contemplated in the appropriation act of Congress of the 3d March, 1845; nor could Congress oppose it without contradicting itself, and giving room to not very flattering reflections upon its probity and respectability. Thus, all criticism on the letter of gen. Santa Anna falls to the ground.

To leave nothing unknown to Congress, relating to this important transaction, your Memorialist feels it to be his duty to submit another version of the case, which is generally believed to be the true one, and which, however, leads to the same results, that is, to establishing both the evident wilful culpability of the agent Voss, and the full discharge of Mexico from all responsibility for the money embezzled by him.

On the 30th of April, 1844, Mr. Voss applied to the Mexican treasurer, Mr. Trigueros, to have the 4th instalment due on that day, amounting to about $140,000. The minister showed himself ready to pay it in *cash* as usual; but then they agreed that it would be a folly to send that money to the United States before knowing the result of the treaty then concluded by president Tyler for the "annexation of Texas." Mr. Voss then proposed to employ that money provisionally in some profitable business; and it was resolved to buy with it from Messrs. Tayleur, Jamison & Co. of Mexico, whose broker Mr. Voss was, certain bills or orders for a double amount, which should remain with the treasurer as collateral security, until they were paid at their expiration, and thus realize a profit, to be divided between Trigueros, Tayleur & Co. and Voss.

These bills, or orders, were to be paid by the custom-house of Vera Cruz to the order of Messrs. Tayleur, Jamison & Co. on account of certain debentures or obligations issued in London by Messrs. F. de Lizardi & Co., in part payments of the instalments of the debt due by Mexico to England, the history of which negotiation is fully reported in the Mexican paper, "El Siglo XIX," of the 13th March, 1845: but they were offered for sale by said Messrs. Tayleur, Jamison & Co. at a discount of 50 per cent. as no hopes were entertained of their being paid *at par* by said custom house for a long time to come.

The affair being thus combined by Tayleur, Trigueros and Voss, the cash destined for the American Claimants was handed to the latter, and the bills or orders in question were deposited with the treasurer.

On the 3d of July said year, no official news having yet been received in Mexico of the rejection of the treaty of annexation by the Senate of the United States, which had taken place on the 8th of the preceding month of June, the money collected, through a forced loan, for the payment of the 5th instalment, was also

employed by said gentlemen in the purchase of bills of the same nature, and then Voss gave a *receipt in full for both the instalments of April and July*, in the total amount of $274,664 76, with the after date of the 20th of September said year, hoping that by that time the bills might be paid by the custom-house of Vera Cruz, or fairly negotiated with a handsome profit.

But the sudden arrival at Mexico of our minister Shannon on the 26th of the following month of August, with the rejection of the annexation treaty, disconcerted the jugglers. President Santa Anna ordered the treasurer Trigueros to pay forthwith the two instalments with the money in ready *cash*, as collected from the people. The treasurer then returned the bills deposited with him as collateral, to Messrs. Tayleur, Jamison & Co. and availing himself of the receipt in full delivered to him by Voss, informed, on the 27th of August, the Secretary of State, Mr. Rejon, that he had paid said instalments to Voss, according to the Convention, and Mr. Rejon, on the 2d of September, gave the same information to our minister Shannon.

Voss, then, having neither the money, which he had paid for the bills, nor the bills, which had been returned to Tayleur, Jamison & Co. and being unwilling to discover to Mr. Shannon his shameful conduct, thought proper to humbug the latter, telling him that "*he had received the payment of the instalments in good paper*," which he had handed to Messrs. Tayleur, Jamison & Co. a very respectable house of Mexico, *for collection*. But the bills were not honored by the custom-house of Vera Cruz; Tayleur, Jamison & Co. are not disposed to render back the money they had received as the price of those bills sold by them; Trigueros and Voss cannot force them to give back the money, without manifesting their own crime; and there only remains the hope that on some future day the money will be had from that custom-house to pay the instalments to the American Claimants. President Polk alludes to this, saying in his message, that Voss "entertains *no doubt* but that he will *eventually* obtain the money." How these two dictions, "*no doubt*," and "*eventually*" may stay together in the same phrase, your Memorialist will not attempt to determine. The fact is that Mr. Shannon never saw those bills during his residence in Mexico, nor did he make any steps to see them. But, to have asserted in his report that soon after his arrival at Mexico (on the 26th of August) he saw Mr. Voss, and was informed by him to have received the two instalments in *bills;* to have received from the Mexican Secretary of State the *official* information of the payment made on the 27th August in *cash;* to have heard from president Santa Anna, on the 12th September, that the payment had been made in cash though with some *difficulties;* to have communicated, on the 21st of the same month, the same information to our Secretary of State Calhoun; and to have finally made, on the 2d July, 1845, a report to secretary Buchanan, making the highest eulogiums of the *honest* conduct of Mr. Voss; this *tout ensemble* has

placed him in a not very enviable position, so that he and Mr. Voss, and Trigueros and Messrs. Tayleur, Jamison & Co. should be considered solidarily responsible for the money. But, as nothing wrong, your Memorialist would repeat, could have been done but *with the* ASSENT *or* AT THE SOLICITATION of Mr. Voss, the *responsible* agent of the United States, it follows that, whilst Mexico cannot be compelled to pay twice the same instalments, the provident act of Congress of the 3d March ought to have, in all justice, its full execution.

Finally, does Congress wish to have the *mot de l' énigme* in regard also to the conduct of our executive in this business, a conduct far more "mysterious" than that of Voss? Here it is reverently submitted.

As the Treasury of the United States cannot rely upon Voss (who is a notorious bankrupt) for the recovery of the embezzled money, and has no means to force either Trigueros or Tayleur, Jamison & Co. to reimburse it, our president has deemed it proper to consider the Mexican government still liable for these instalments, under the plea of its having paid them in worthless paper, thus leaving open the field to eternal discussions, no matter if the Claimants, or some of them, be starved to death. What is a citizen, what are a few citizens, more or less, compared to *public interest?* Their clamors will be stifled by some newspaper articles, and the national treasury will have honorably saved $275,000! This honest zeal in behalf of the public ærarium, at the expense of a few innocent and forsaken individuals, will add to the glory of the administration! This is the reasoning: *all for the nation, nothing for the citizen;* as if there could exist such thing as a nation without citizens! And it is thought that this is the only protection which our institutions and free republican government should afford to the property, liberty, honor and life of American citizens! Happily a true NATIONAL Congress is there to repudiate and condemn such subversive and disgraceful doctrines.

President Polk has, indeed, acknowledged the right of the Claimants to obtain, through "further legislation," a "relief," in their distressing circumstances. "Their case says he, is one of much hardship." But he has said too little by leaving "Congress to decide whether ANY and WHAT relief ought to be granted to them." He looks upon this question as one of pity, and not of JUSTICE; and he even procrastinates the decision of Congress, by adding "our minister to Mexico has been instructed to ascertain the facts of the case from the Mexican government in an authentic and official form, and report with as little delay as possible." He has said still less in his Message in regard to the *other instalments* due by Mexico up to this day, by only mentioning that "seven instalments are now due." The second and last, but most important object of this humble Memorial and Petition, is then to show that:

THE GOVERNMENT OF THE UNITED STATES IS IN DUTY BOUND TO PAY NOT ONLY THE TWO INSTALMENTS OF APRIL AND JULY, 1844, UNDE-

NIABLY PAID BY MEXICO AND EMBEZZLED BY OUR AGENT, BUT ALSO ALL THE SUBSEQUENT INSTALMENTS, WHICH IN ALL WILL BE EIGHT ON THE 30TH INSTANT; and that, in this respect, the question relating to them all, paid or not paid by Mexico, being already and most solemnly decided by the law of nations, universal jurisprudence, the commonest principles of justice, the general and constant practice of all the civilized world, and the laws of the country, the expected report of our minister at Mexico, be it whatever it may, is quite as useless as uncalled for in the case. Demonstration.

Mexico was honorably paying the stipulated instalments, when, taking offence at the annexation of Texas to the United States, she thought herself authorized to suspend her payments. This suspension is, then, neither more nor less than a *reprisal* permitted by the law of nations. Therefore, were the suspension grounded on lawless reasons, the government of the United States, being indispensably bound to protect its citizens, would have had the option either to enforce the violated convention, or to have its citizens indemnified out of the national treasury to spare a war. But, from the moment they have become the victims of a foreign *reprisal*, not provoked by themselves, they have ceased to be the creditors of Mexico, and have to look to their own government for a speedy indemnification of all the injury which is caused by its own action.

Your Memorialist and Petitioner, without entering into any examination of the justice or injustice of the annexation of Texas, will confine himself to the observation that the acquisition of that vast territory, being a national affair, a national advantage, should by no means cause the least injury to a few private individuals; and that, if some damage results from that advantage, it must be endured by the whole nation to which the advantage is secured. This is and has constantly been the dogma even of the most despotical governments, and certainly will not fail to be respected by the free, virtuous and enlightened American nation, and its learned representatives. It is based on the respect due to private property, and property is life, *nam citra res utique vita nostra servari nequit, et æque hostilem animum declarat qui res quam qui* VITAM *per injuriam impetit.**

In support of this doctrine, your Memorialist could quote a host of publicists, who, *nemine discrepante*, have strenuously contended and most decidedly made it a sacred duty for all governments to indemnify their citizens, on whom a foreign reprisal or retaliation may happen to fall. But, as Vattel is the oracle most consulted now-a-days by jurists and lawgivers, his book on the Law of Nations being but a choice collection of what had been written before, expecially by Leybnitz, Grotius, Puffendorff, Barbeyrac, Wolfius Hobbes &c. your Memorialist will submit some of his passages on the subject to the impartial and wise judgment of Congress.

General principle—" When the prince disposes, in a case of ne-

* Puffend. de Offic. hom. L. 1. Cap. V.

cessity, of the possessions of a community or an *individual*—justice demands that this community, or this individual, *be recompensed out of the public treasury*, and if the treasury is not able to pay it, *all the citizens are obliged to contribute to it*, for the expenses of the State ought to be supported equally, or in a just proportion. It is in this as in the throwing of merchandise overboard to save the vessel (Vattel, B. 1. Ch. xx. § 244)." It was in obedience to this precept that gen. Santa Anna, whilst president of Mexico, imposed a forced loan on all the Mexican citizens, as may be seen in his letter above transcribed. Shall our government be less just than a Santa Anna?

Another general principle. "The necessity of making a peace authorizes the sovereign to dispose of things even belonging to *private* persons, and the Ancient Domain gives him this right (B. 1. § 244). In some degree, by virtue of the power which he has over his subject, he may dispose of their persons. But these cessions being made for the common advantage, *the State is to indemnify the* citizens who are sufferers by them (B. IV. Ch. ii, § 12)."

One more.—"The sovereign ought to revenge the injuries of the State, and to protect the citizens"—"Whoever offends the State, injures its rights, disturbs its tranquillity, or does it a prejudice in any manner whatsoever, declares himself its enemy, and puts himself in a situation to be justly punished for it. *Whoever uses a citizen ill, indirectly offends the State*, which ought to protect this citizen; and his sovereign should revenge the injuries, punish the aggressor, and, if possible, oblige him to make entire satisfaction; since, otherwise, the citizen would not obtain the great end of civil association, which is safety (B. II. Ch. vi. § 71)."

Reprisals—"Upon what effects are reprisals exercised?" "The wealth of the citizens forms a part of the total wealth of a nation. Between *State and State*, whatever is the property of the members is considered as belonging to the body—whence it follows that, in *reprisals*, they seize the goods of the subject in the same manner as those of the State, or the Sovereign. Every thing that belongs to the nation is subject to *reprisals*, as soon as it be seized, provided it be not a deposit trusted to the public faith (B. II. Ch. xviii. § 344)."

Reprisals—"The State ought to recompense those who suffer by reprisals"—"He who makes *reprisals* against a nation on the goods of its members indiscriminately, cannot be taxed with seizing the wealth of an innocent person for the debt of another; for in this case *the Sovereign is to recompense those of his subjects on whom the reprisals fall;* this is a debt of the State or nation, of which *each citizen ought only to support his quota* (B. II. Ch. xviii. § 245)."

Reprisals—"Even if reprisals are caused by private persons"—"Private persons, who by their actions have given room for just *reprisals*, are at least to recompense those on whom they fall, and and the Sovereign ought to constrain him to do it. For we are

under an obligation *to repair the damage we have occasioned by our own fault*. And as the sovereign, on refusing justice to the offended, has drawn *reprisals* upon *his subjects*, those who were the first cause of them do not become the less guilty; the fault of the sovereign does not exempt them from repairing the consequences of theirs. However, if they were ready to give satisfaction to him whom they had injured or offended, and their Sovereign has hindered their doing it, they are only bound with respect to what they are obliged to do to prevent reprisals, and *the Sovereign is to repair the surplus of damage*, the consequence *of his own fault* (B. II. Ch. xviii. § 349).

This is the law of nations, and this is, and has always been, the general practice of all governments faithful to their pledges and duties. A single example would scarcely be found in the annals of civilization, of *private* sufferers from the bombardment of a city, the taking of a place by storm, a crop destroyed by military encampments &c. not indemnified of all loss by their own government. The law of nations, conventional, indeed, but based as it is on the eternal principles of justice and truth, dictated by reason, suggested by the necessity of providing for common safety and individual welfare, acknowledged and respected by all human associations having the least pretension to this epithet "human": the law of nations, this rule of action for every government, that, let its organic form be whatever it may, could not depart from it, without giving the whole family of nations a full right to unite and chastise it, shall certainly not be regarded by the representatives of the American Union as a dead letter. It would appear extremely strange that whilst they are daily invoking the "law of nations" in behalf of their own country against real or supposed violations of it on the part of a foreign potentate, they should most flagrantly violate it to the evident prejudice of their own countrymen. No; your Memorialist is far from entertaining an idea so offensive to your honor and good faith!

But you must, moreover, show yourselves the worthy guardians of your own social compact. A provision brilliantly shines in the Constitution of the United States, which, *mutatis mutandis*, consecrates the very same principle on the subject as the law of nations just quoted. "No PRIVATE PROPERTY SHALL BE TAKEN FOR PUBLIC USE WITHOUT JUST COMPENSATION (art. iv. amend. to Constit.)"—The annexation of Texas has been achieved for *public use*, for a national advantage and profit. But it has occasioned a reprisal on the part of Mexico, which has taken from some American citizens their *private property*, to wit: an indemnity judicially awarded to them under the safeguard of two public and solemn treaties. Consequently they have an indisputable right to a *just compensation* from their national treasury.

Now, if Mexico is fully convinced that the independence of Texas, on which the right of annexation has been established, was an act utterly lawless and null, the work not of her own citizens

but of foreign intruders, if, notwithstanding the acknowledgment *de facto* of the independence of Texas by the United States of America and some European States, Mexico maintains the inviolable legal aphorism: *res inter alios actas aliis non noceri;* if no fact can destroy a *right;* if her inability to reconquer Texas during nine years is no reason why her right should be considered prescribed or legally forfeited; if, in her weakness, she thinks herself perfectly safe against all forcible attempts to compel her to abandon her rights on Texas; if the quarrel is to be terminated by negotiation, arbitration or war; if, in every one of these cases, no peaceful intercourse might be restored between the two parties, but after the lapse of some years &c. what will be the fate of such American citizens as were once her creditors, and are now the lawful creditors of their own government? EIGHT instalments of the capital, and TWO whole years of back interest, are positively due to them; and *periculum est in mora;* have they to expect from their own paternal government a *coup de grâce?* And what would become of your own honor? "Injustice, Vattel says and reason confirms, is not less shameful for being above punishment."

Finally, with regard to the *unadjusted* claims on Mexico, Vattel says:

"..... If in a litigous affair, our adversary *refuses the means of bringing the right to proof*, or *artfully* eludes it; if he does not, with good faith, apply to pacific measures for terminating the difference, and, above all, if he is the first who begins acts of hostility, *he renders the cause just, which was before doubtful;* we may then make use of reprisals, or seize his effects, to oblige him to embrace the methods of reconciliation which the law of nature prescribes. This is the last attempt for coming to an open war (B. II. Ch. xviii. § 343.)"

Your Memorialist, then, whose rights are as clear and unobjectionable, as they are just and legal, has but complied with his duty by applying to the legislators of his adopted country to have justice done. Your wisdom and uprightness will determine the fate of his humble Petition, as solidly grounded on law and justice, as utterly unconnected with party views and considerations.

O. DE A. SANTANGELO.

New-York, January 8, 1846.

DOCUMENT I.

Convention between the United States and the Mexican Republic, concluded and signed in the City of Mexico, on the 30th of January, 1843.

Article 1. On the 30th day of April, 1843, the Mexican Government shall pay all the interest which may be due on the awards in favor of Claimants, under the Convention of the 11th of April, 1839, *in gold or silver money,* in the city of Mexico.

Article 2. The principal of the said awards, and the interest accruing thereon, shall be paid in five years, in equal instalments *every three months;* the said term of five years to commence on the 30th day of April, 1843, aforesaid.

Article 3. The payments aforesaid shall be made in the city of Mexico to such person as the United States may authorize to receive them, *in gold or silver money.* But no circulation, export or other duties shall be charged thereon; and the Mexican government takes the risks, charges and expenses of the transportation of the money to the city of Vera Cruz.

Article 4. The Mexican Government hereby solemnly pledges the proceeds of the direct taxes of the Mexican Republic for the payment of the instalments and interest aforesaid; but it is understood that whilst no other fund is thus specifically hypothecated, the government of the United States by accepting this pledge, does not incur any obligation to look for payment of those instalments and interests to that fund alone.

Article 5. As this new arrangement, which is entered into for the accommodation of Mexico, will involve additional charges of freight, commission, &c. the Government of Mexico hereby agrees to add two and a half per centum on each of the aforesaid payments on account of said charges.

Article 6. A new Convention shall be entered into for the settlement of all claims of the government and the citizens of the United States against the Republic of Mexico, which were not finally decided by the late Commission which met in the city of Washington, and of all claims of the government and citizens of Mexico against the United States.

Article 6. The ratifications of this Convention shall be exchanged at Washington within three months after the date thereof, provided it shall arrive at Washington before the adjournment of the present session of Congress; and, if not, then within one month after the meeting of the next Congress of the United States.

In faith thereof &c. Done at the City of Mexico, on the 30th day of January, in the year of our Lord, 1843—Waddy Thompson—J. M. de Bocanegra, and M. E. de Grostiza—Duly ratified, and the respective ratifications exchanged at Washington, 29th March, 1843, by Daniel Webster, Secretary of State of the United States, and Juan N. Almonte, minister plenipotentiary of Mexico—John Tyler, president of the United States—by the president, DanielWebster &c.

DOCUMENT II.

Mr. Rejon to Mr. Shannon.

" National Palace, Mexico, September 2d, 1844—The undersigned, minister of foreign relations, has the honor to acquaint the envoy extraordinary and

minister plenipotentiary of the United States of America, that his excellency the minister of finances has informed him, under date of the 27th of August last, that the instalment due on the 30th of April in this year, and the one due on the 30th of July last, pursuant to the Convention of the 30th of January, 1843, *have been paid* to the *agent appointed* by the government of *the United States;* and that this notification has been delayed in consequence of the vast business of that department &c.—MANUEL CRECENCIO REJON."

DOCUMENT III.

Mr. Shannon to Mr. Calhoun.

"Mexico, September 21st, 1844.—The instalments which fell due on the 30th of April and July last, under the Convention of the 30th of January, 1843, *were paid* to the *agent of the government,* to receive and TRANSMIT the same, *on the 27th ultimo* &c."

DOCUMENT IV.

From the Madisonian of the 4th of November, 1844.

"OFFICIAL.—Department of State, November 4th, 1844.—Information has been received at this department that the instalments due on the 30th of April, and 30th of July last, under the Convention between the United States and the Mexican government, *were paid* by that government *on the 27th of August last.*

DOCUMENT V.

Report of Mr. Shannon to Mr. Buchanan.

"To the hon. James Buchanan, Secretary of State, Washington, July 2, 1845.—Sir: Since my arrival in the United States, I have noticed that *at least* a portion of the public are laboring under incorrect views with regard to the payment of the fourth and fifth instalments due our citizens from Mexico, under the treaty of the 30th of January, 1843, and also that some unjust reflections have been cast upon me as well as others, in reference to the manner in which the business had been transacted. I deem it not out of place for me to communicate to you the facts in relation to the two instalments in question, *so far as they are within my knowledge,* with the view, not only of putting you in possession of the *true* state of the case, but of setting myself *right* in the matter. This *I should have done at an earlier period,* had I been aware that there was any *difficulty* on the subject, or that there was any *doubt* in any quarter as to the *facts* of the case.

"The fourth instalment fell due on the 30th of April, 1844, and the fifth on the 30th of the following July; and I did not arrive in Mexico until the evening of the 26th of the following August.

"On my arrival in Mexico, the fourth instalment had been due near four months, and the fifth near one month, and the date of Mr. Voss's *receipt,* '**CLOSING THE MATTER WITH THE MEXICAN GOVERNMENT,**' I *understand* is the 27th of August.

"It will be perceived from these dates, that *I could have had no agency in advising the arrangement* that was made with the Mexican government by Mr. Voss.

"*Soon after my arrival in Mexico*, on inquiry of Mr. Voss, our agent, who had been appointed to receive the money, as to the payment of the two instalments in question, *he informed me* he had *in vain* sought to obtain the money from the *national* treasury in Mexico; that he had *failed* in all his efforts to do so, for the reason that, as fast as the money came into the national treasury, it was absorbed for the purposes of the army and by Mexican claimants, whose influence with the government was such as to enable them *to obtain the preference over the American claimants;* that, finding all efforts to obtain payment in Mexico had failed, he prevailed on the government to give him *drafts* on the *local* treasuries for an amount *sufficiently large* to cover the principal and interest due on the two instalments, and the *cost of collecting the same*, and *transmitting the money to Vera Cruz.*

"He also advised me that the English house of Tayleur, Jamison & Co. in Mexico, had claims on the Mexican government, and that they had taken *drafts of a similar character*, and were about to collect them, and that he had *handed over the drafts* he had received, *to that house*, for collection at the same time.

"The house of Tayleur, Jamison & Co., it is proper I should remark, is one of undoubted responsibility.

"The contributions that had been levied, in order to raise the four millions voted by Congress, and placed at the disposal of the government, were in *rapid course of collection* at the time, and *no doubts* were entertained but the drafts would be *promptly met and paid.*

"He stated that, under these circumstances, *he considered the drafts as cash*, or *the same as cash;* and that *he had receipted to the Mexican government* ACCORDINGLY, and that I might consider the instalments in question *as paid*; that there would be no other difficulty about the matter, than *a delay of a few weeks* in transmitting the money to the United States.

"On the day after I had been presented to the president—that is, on the 2d of September—I received a note from Mr. Rejon, the Mexican Secretary of State, a copy of which has heretofore been communicated to your department, in which he states that he had been advised by the Secretary of the Treasury, under date of the 27th of August, that *the two instalments had been paid.*

"On the 12th of September, I had an interview with the president Santa Anna, in relation to the release of the Texian prisoners, and the unadjusted claims of our citizens on the government of Mexico; in which he took occasion to speak of the payment *of the two instalments above named, and the difficulties the government had to encounter to meet then; and assuring me, at the same time, that he had caused arrangements to be made, which would enable the government to meet the future instalments promptly as they fell due.*

"All this put my mind to rest on the subject of those indemnities; and it was upon this state of facts, that I felt myself authorized to make the communication I did to Mr. Calhoun, in relation thereto, in September last.

"I did not, at the time, nor until after the revolution broke out, which terminated in the overthrow of president Santa Anna and his party, anticipate the slightest difficulty in relation to the payment of the *drafts* in question.

"When the revolution broke out, the money intended to meet these *drafts was diverted from that purpose* by the government of Mexico, and *applied to its own purposes.*

"When it had become thus certain that there would be at least *some considerable delay* in the payment of these drafts, I called on Mr. Voss *to report to me in writing all the facts of the case*, so that I might be able to put my government in possession of them. *I was taken sick* shortly after, and *confined to my room* for two months, and *was prevented from doing so.*

"Up to the time of my departure from Mexico, which was on the 14th of May last, these drafts *had not been paid*, nor *any part of them.*

"*No doubt*, however, was entertained by Mr. Voss or Mr. Jamison, but that these drafts would be paid as soon as the Mexican government *could command the pecuniary means.*

"That government *does not claim that it is in any way released from the payment of these drafts;* but the deranged state of the Mexican treasury, growing out of the late revolution, has heretofore prevented the government from discharging them.

"It is proper I should state, that *I have no doubt* Mr. Voss has acted throughout with the *most perfect good faith and integrity,* and that he did what *he believed* to be the best for the claimants at the time; that upon a statement of the *facts* and *reasons* on which he acted, *I concurred with him* in the opinion, and so expressed myself to him at the time, that the course he had adopted was *the best,* under all the circumstances of the case, that could have been adopted, in order to secure the money for the claimants.

"*While it may be expected that these drafts will be paid by Mexico so soon as her financial abilities will enable her to do so,* without regard to the future relations of the two countries, I do not feel justified in giving you any assurances that the remaining instalments will be paid until the difficulties existing between the two countries are finally adjusted, or our government shall adopt strong measures in order to coerce Mexico into a compliance with her treaty stipulations.

"I have the honor to be, very respectfully, your obedient servant.

"WILSON SHANNON."

DOCUMENT VI.

Mr. Santangelo to Mr. Buchanan.

"To the Hon. James Buchanan, Secretary of State, Washington, D. C.—New-York, July 14th, 1845—Sir: the repugnance shown by the Executive to carry into effect the act of Congress of the 3d of March ultimo, in favor of the Claimants on Mexico, has prompted me to publish some writings, in pamphlet form, numbered I. II. and III, headed 'Claimants on Mexico,' and signed 'A Claimant,' copies of which I have had the honor to forward to you through the post-office.

"I now take the liberty of enclosing another copy of each, respectfully soliciting your particular attention to their contents, especially to No. III. wherein the official report made to you by Mr. Shannon, dated 2d instant, is fully refuted, and the truth unquestionably established that Mexico is wholly and lawfully released from the payment of the instalments of April and July, 1844, and that our agent alone is responsible for their amount, which was placed by the Mexican treasury in *cash* at his disposal.

"But, as his reponsibility regards him and our government alone, and cannot in any way affect the rights of the Claimants, I had in various places of said writings observed, that our treasury, by advancing to them the amount of said instalments, pursuant to the above act of Congress, would run the risk of no loss whatever; and in No. II. of the same writings I said: 'Nevertheless, I would, by way of mere courtesy, willingly make this question the subject of a 3d bulletin, and add such suggestions, as to enable our government to recover the mislaid money in the shortest and easiest way possible.'

"I did not do this, however, in my 3d bulletin, thinking that the publication of such suggestions might lead our agent in Mexico to excogitate new contrivances to elude their effects. Therefore I now submit my views privately for your consideration.

"Certainly the drafts, which were not given by the Mexican treasury to our agent in payment of the instalments, but were bought by him with the *cash* placed by that treasury at his disposal, are now American property; they belong to our government, to our treasury; and having remained unpaid by those on whom they were drawn, they must necessarily exist either in the possession of the agent himself, Mr. Voss, or of Messrs. Tayleur, Jamison & Co. to

whom they are said to have been handed for *collection*. It is now the interest of the agent to keep them as long as he hopes to have them honored, in order to realize the profit which has been the object of his intrigues; and such a state of things could last for years.

"But those drafts, being drawn for a sum much larger than $275,000 (the amount of the two instalments in question), could be easily sold again in Mexico with the loss of the surplus, namely, at the same price for which they were bought by Mr. Voss. The drafts are good, they are government-paper, and, consequently, many capitalists or merchants, residing in that country, would be glad to acquire them, thus making for themselves the gain expected by Mr. Voss, as they would be received *at par* by the Mexican treasury, in payment of custom-house duties or any other public charge.

"This operation, not being of a political nature, could easily be effected by our government, notwithstanding the accidental non-intercourse between it and that of Mexico. Orders could be transmitted, therefore, through some of our merchants having correspondences with Mexico, such as Hargous, Harmony, Lasala &c. or through some of our consuls residing there, for the immediate delivery of those drafts into better hands, their sale, and the transmission of the money, through bills of exchange, to the United States. This measure is moreover commanded by the circumstance of Mr. Voss having forfeited all claim to the confidence of our government, and by the danger of ultimately seeing the whole amount of the bills engulfed in an unfathomable abyss . . . . What would then be the hopes for the recovery of the money?

"Pardon the liberty I have taken; deign to acknowledge the receipt of the present, and receive the assurance of the high consideration, with which—I have the honor to be—Your most humble servant—O. A. DE SANTANGELO.

DOCUMENT VII.

Mr. Buchanan to Mr. Santangelo.

"Department of State.—Washington, 31st July, 1845.—To O. de A. Santangelo, Esquire, New-York.—Sir: Agreeably to the request contained therein, I have to acknowledge the receipt of your letter of the 14th instant, offering suggestions relative to the instalments under the Convention with the Mexican Republic, of the 30th of January, 1843, which were due on the 30th of April and 30th of July, 1844.—I am, respectfully, your obedient servant—JAMES BUCHANAN."

DOCUMENT VIII.

Mr. Santangelo to Mr. Buchanan.

New-York, Aug. 1st, 1845.

"Hon. James Buchanan, Secretary of State, Washington.—Sir: On the 14th of July ultimo I wrote you a letter, in which I submitted my views upon the most speedy way of collecting the 4th and 5th instalments of the Mexican indemnity, paid to our agent in Mexico, and requesting, at the same time, an acknowledgment of the receipt of the same. Sixteen days having passed, without my receiving a single word from you in answer, I thought proper to mention the fact in a publication which I made on the 30th of July, on the subject of the Mexican claims. I certainly had no idea that it would take your department sixteen days to acknowledge the receipt of a single letter, but I found that I was mistaken, for your note, dated "Washington, July 31st,

1845," has just reached me. Had my request been attended to in reasonable time, I would have been spared the disagreeable necessity of noticing, in rather severe terms, a bit of negligence, which I interpreted as a marked slight. I feel that I owe it to you, and myself, to say that I am truly sorry that I did not receive your note before I sent out my IV. Number of 'Claimants on Mexico,' and I shall take the first opportunity to make this known to the public.—I am respectfully—Your obedient servant—O. DE A. SANTANGELO."

DOCUMENT IX.

Gen. Santa Anna to Charles Callaghan.

"*Habana*, 19 *de Noviembre de* 1845.

"Sr. Dn. Carlos Callaghan, New-York.

"Muy Sr. mio; Con algun retardo, vino á mis manos la atenta carta de V. de 22 de Agosto último que contesto, aunque para hacerlo me es preciso difundirme algo.

"Cuando por la libre y espontanea voluntad de la nacion fui nombrado Presidente de la República en Octubre de 1841, encontré ecsistente la convencion firmada en Washington, por los comisarios de Mexico y los Estados Unidos que arregló las reclamaciones de los ultimos y el modo de verificar el pago, ratificada por mi antecesor el General Bustamante. A decir verdad, yo ni habria despachado á los Estados Unidos comisionados, pues el gabinete de Washington era el que debería haberlos enviado á Mexico, ni habria ratificada el convenio en los terminos en que se encuentra: empero como cuando empuñé las riendas del gobierno, era ya un tratado vigente entre ambas naciones, zeloso mas que nadie del honor de la mia, é intimamente convencido de que la base de este estriba en observar exacta y religiosamente los tratados, y conociendo por otra parte la politica y tendencias de los Estados Unidos, me decidí á cumplirlo en todas sus partes, para quitar al gobierno de V. todo pretesto que pudiese alterar en lo sucesivo la buena harmonia é inteligencia entre los dos paises, librando á la vez al mio de todo proyecto ulterior que tuviese relacion con su integridad.

"Al efecto no vacilé en dictar las medidas mas eficaces para que Mexico pagase las cuotas designadas en la convencion, y que esto se hiciese en el modo y forma estipulada; y como el erario, al empezar yo á gobernar, era un esqueleto, impuse un prestamo forzoso que gravitando sobre la sociedad, todos, y cada uno de los ciudadanos, contribuyese segun su fortuna relativa, al pago de una deuda sagrada ya para Mexico. Llevando esto al cabo, con la energia che caracteriza á mis actos administrativos, logré salvar el honor nacional, sin embargo de la grita y oposicion que se suscitó, apellidandome tirano por los que en nada tienen á aquel, y que no conocen, ó affectan no conocer, que para estos casos es cuando los ciudadanos deben franquear patrioticamente todos sus recursos. Esta medida de mi gobierno es una de las que han merecido mas censura, y que me ha proporcionado mas disgustos; pero tranquilo, con el testimonio de mi conciencia, y con la aprobacion de la parte pensadora de ambos paises, espero confiado el fallo de la severa é imparcial historia, que mas tarde ó mas temprano me justificará ante la posteridad, y quizá ante los ojos de los contemporaneos.

Logré mi objeto, y se pagaron en consecuencia los dividendos durante el tiempo que permanecí en el gobierno con toda la exactitud, y en dinero efectivo; empero como en 30 del Abril del año pasado me hallaba separado de los negocios en mis fincas de campo, y no permite la Constitucion, ni tampoco mi carácter, que se mezcle en los asuntos públicos el Presidente cuando está separado, me limité á recomendar el pago al Presidente interino General Dn. Valentin Canalizo y al ministro de Hacienda Dn. Ignacio Trigueros, y cuando

espiró el otro plazo de 30 de Julio de que me habla V., como entonces habia yo vuelto al poder, dicté todas las medidas convenientes y ordené terminantemente al Secretario de Hacienda se hiciese el pago en *dinero efectivo* como lo tenía acordado, de modo que si contra el tenor de lo que mandé se hizo aquel en letras ú órdenes, el ministro faltó á su deber desobedeciendo mis acuerdos, y no deja tambien de haber faltado el comisionado Dn. Emilio Voss admitiendo, come admitió, segun el decir de V., la cantidad en papel. En la misma época dicté con anticipacion otros acuerdos relativos para que en lo sucesivo se pagasen los plazos que se vencieren con toda exactitud, y un *dinero efectivo*, pues contribuyendo el pueblo con *dinero*, quise y mandé que este *numerario no se distrayese para ningun otro objeto*, y á esto alude mi conversacion con el Sr. Ministro Shannon de que hace V. mérito.

En resumen; en mi concepto los plazos á que V. se refiere *se pagaron en dinero efectivo;* pero si no ha sido asi, *el ministro y el comisario Voss son responsables*, el primero por infractor de mis órdenes terminantes, y el segundo *por no haber cumplido las de sus poderdantes.*

Soy con toda consideracion su atento servidor,

Q. B. S. M.

(Signed) A. L. DE STA. ANNA.

I do hereby certify that the above is a true and literal copy of a letter addressed to me by General Antonio Lopez de Santa Anna, dated Habana, 19th of November, 1845, and received per Ship Norma, arrived at New-York on the 10th of December, 1845.

CHARLES CALLAGHAN.

New-York, Dec. 12th, 1845.

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